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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/673,651
Declarant(s) : Kevin B. McNeil
Filed : September 29, 2003
Art Unit : 1772
Examiner : Donald J. Loney
Docket No. : 9372
Confirmation No. : 2454
Customer No. : 27752
Title : **EMBOSSED MULTI-PLY FIBROUS STRUCTURE
PRODUCT AND PROCESS FOR MAKING SAME**

DECLARATION UNDER 37 CFR 1.132

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INTRODUCTORY REMARKS

Dear Sir:

I, Kevin Benson McNeil, hereby declare the following:

1. THAT, I am a named-inventor of the above-identified patent application;
2. THAT, I received a Bachelor of Science in Mechanical Engineering from Michigan State University in March of 1977 and have been employed by The Procter & Gamble Company, as a Technical Associate Director, Engineering since April of 1977. I have worked on the development of new embossing technologies since 1990 and have significant experience with projects or efforts involving embossed products, embossing processes, and embossing apparatus.
3. I am familiar with U.S. Pat. No. 3,708,366 to Donnelly (hereinafter "Donnelly") and U.S. Pat. No. 5,846,636 to Ruppel et al. (hereinafter "Ruppel"). I have thoroughly reviewed Donnelly and Ruppel and it is my technical opinion that neither Donnelly, nor

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Donnelly in view of Ruppel, adequately teach an embossed multi-ply fibrous structure product wherein the embossment sites are formed from the protuberances of one embossing roll engaging with the depressions of another embossing roll and the embossment sites are non-adhesively bonded and the non-embossed sites are adhesively bonded.

The invention at issue claims an embossed multi-ply fibrous structure product comprising non-adhesively bonded embossed sites, wherein the embossment sites result from the protuberances of one embossing roll engaging with the depressions of another embossing roll, and adhesively bonded non-embossed sites (Claims 1 and 24). Donnelly teaches using an embossing roll and a rubber roll to form the embossed paper product (Donnelly, Col. 2, lines 43-46) and a paper product comprising unembossed regions which are not adhesively bonded, and embossed regions which are adhesively bonded (Donnelly, Col. 4, lines 22-36). The Office Action argues that the structure could simply be inverted so that the peaks (un-embossed regions) are the valleys (embossed regions) and vice versa, thus making it only a matter of semantics whether one refers to something as an embossment or a non-embossment. (Office Action dated August 3, 2006, p. 8). It is my opinion, as one of ordinary skill in the art of papermaking, that the Office Action has oversimplified the effect of embossing a paper web. Specifically, embossing a paper web causes permanent localized deformation in the paper such that the paper is deformed out of its original plane at the emboss sites and embossing causes stiffness at the pattern edges of the embossments. One skilled in the art would recognize that an embossment site is structurally distinct and not equivalent to a non-embossed site. Thus, applying adhesive to a non-embossed area is not the same as applying adhesive to an embossed area and vice versa, as non-embossed areas and embossed areas are physically distinct.

Ruppel does not remedy the deficiencies associated with the Donnelly teaching. Specifically, Ruppel also teaches embossing a paper web between a non-deformable embossing roll and a smooth surface roll. (Ruppel, Col. 3, lines 5667; Col. 4, lines 1-4). Again, one skilled in the art can recognize that the resulting embossed sites are

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compressed and have a higher density than surrounding non-embossed regions on the web. Further, Ruppel only teaches application of adhesive on the embossed areas ("protrusions") (Ruppel, Col. 3, lines 52-55), thus failing to teach the Applicant's claimed limitation.

I, being of at least ordinary skill in the art of paper softening, am not able to use the teaching of Donnelly, or Donnelly combined with Ruppel, to make a an embossed multi-ply fibrous structure product comprising a first face and a second face, wherein the first face comprises non-adhesively bonded embossment sites and the second face comprises adhesively bonded non-embossed sites.

4. With regard to the claimed invention of the above-named application, I submit that I and my co-inventors have made an embossed multi-ply fibrous structure product comprising a first face and a second face, wherein the first face comprises non-adhesively bonded embossment sites and the second face comprises adhesively bonded non-embossed sites. Before my discovery and invention, no one had taught such a composition.

I, Kevin Benson McNeil, declare that all statements made herein are true to the best of my knowledge, or if made upon information and belief, are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements my jeopardize the validity of the application or any patent issued thereon.

Further Declarant sayeth naught.



Kevin Benson McNeil

Date: 02 Nov 2006